

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STORMANS, INCORPORATED doing  
business as RALPH'S THRIFTWAY;  
RHONDA MESLER, MARGO THELEN,

Plaintiffs,

v.

MARY SELECKY, SECRETARY OF THE  
WASHINGTON STATE DEPARTMENT  
OF HEALTH, et al,

Defendants.

Case No. C07-5374RBL

ORDER

The following matters are currently before the Court:

1. Defendant's motion to extend the discovery cut-off to December 15, 2008 [Dkt. #202];
2. Plaintiffs' motion to strike expert testimony of Dr. Danial Baker [Dkt. #207];
3. Plaintiffs' motion to increase the number of depositions [Dkt. #247];
4. Plaintiffs' motion to compel production of documents [Dkt. #206]; and
5. Related to plaintiffs' motion to compel is a motion to file Amici brief [Dkt. #227].

The Court has reviewed the materials submitted for and against said motions and oral argument would not assist the Court in resolving any of the above-referenced motions.

The Court being fully advised in the premises hereby:

1. **GRANTS** defendants' motion to extend the discovery cut-off to December 15, 2008 [Dkt. #202].

1           2.       **DENIES** plaintiffs' motion to strike expert testimony of Dr. Danial Baker [Dkt. #207]. The  
2 expert report for Dr. Baker will be produced no later than November 14, 2008. Plaintiffs will then have  
3 until December 5, 2008 to designate a rebuttal expert and provide the appropriate disclosures required by  
4 Fed. R. Civ. P. 26(a)(2)(B). If more time is required for plaintiffs to comply with the disclosure  
5 requirements for a rebuttal witness a request for additional time can be submitted to the Court.

6           3.       **GRANTS** plaintiffs' motion to increase the number of fact witness depositions to 20,  
7 excluding custodial records depositions [Dkt. #247].

8           4.       **GRANTS IN PART** and **DENIES IN PART** plaintiffs' motion to compel production of  
9 documents [Dkt. #206]. The Court grants the motion to compel as to Document Request #s 1, 2, 3, 8, 9,  
10 and 10. The motion is denied as to all other requests. NARAL's Motion to Quash and for Protective  
11 Order is **DENIED** [Dkt. #229]. Nothing in this Order shall be construed to require or permit the  
12 production of confidential patient information, under HIPPA or any other applicable law.

13           5.       **GRANTS** the motion to file Amici brief [Dkt. #227].

14           Each party will bear its own costs incurred in connection with these motions.

15           **IT IS SO ORDERED.**

16           Dated this 28<sup>th</sup> day of October, 2008.

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19                               RONALD B. LEIGHTON  
20                               UNITED STATES DISTRICT JUDGE  
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